



**SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON**

AMENDED ORDINANCE NO. 07-005

RELATING TO FLOOD HAZARD REGULATIONS, UPDATING REGULATIONS AND FLOOD HAZARD PERMIT REQUIREMENTS TO COMPLY WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) AND MAKING ADDITIONAL UPDATES AND CLARIFICATIONS; AND AMENDING SECTIONS 30.43C.020, 30.43C.100, 30.70.050, 30.71.020, 30.65.100, 30.65.120, 30.22.130, 30.65.125, 30.65.150, 30.65.230, AND 30.65.265 OF THE SNOHOMISH COUNTY CODE (SCC)

WHEREAS, the County participates in the National Flood Insurance Program (NFIP) administered by the federal government through the Federal Emergency Management Agency (FEMA); and

WHEREAS, the County is required to adopt FEMA prepared flood studies and maintain development regulations consistent with NFIP regulations to maintain eligibility in the NFIP; and

WHEREAS, chapter 30.43C of Snohomish County Code (SCC) provides the procedural requirements for flood hazard permits; and

WHEREAS, chapter 30.65 SCC codifies the minimum flood plain management standards and regulations of the NFIP set forth in the Code of Federal Regulations at 44 CFR section 60.3 as a condition of eligibility in the NFIP; and

WHEREAS, the Washington Department of Ecology (DOE) met with Planning and Development Services (PDS) in a Community Assistance Visit (CAV) on September 13, 2006, to review the County's administration of and participation in the NFIP; and

WHEREAS, the primary purpose of the CAV was to assess the County's administration and enforcement of chapters 30.43C and 30.65 SCC, enabling FEMA to continue to sell flood insurance in unincorporated Snohomish County; and

WHEREAS, a CAV report was issued providing a review of the County code's consistency with current NFIP and State regulations; and

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WHEREAS, the CAV report issued by DOE identified multiple code sections that did not comply with the minimum development standards of the NFIP; and

WHEREAS, DOE will not close the CAV report or certify to FEMA that the County is in full compliance with NFIP standards until the development regulations are consistent with NFIP minimum standards; and

WHEREAS, DOE requires that the County update its special flood hazard area protection regulations consistent with NFIP regulations by March 19, 2007, to retain eligibility in the NFIP; and

WHEREAS, for consistency with the NFIP minimum standards, SCC 30.43C.100(2) must be amended to clarify that the department shall have the authority to approve or approve with conditions a flood hazard permit application only after ensuring that permits from those agencies for which prior approval is required have been obtained and this requires organization of SCC 30.43C.100 into three sections instead of two; and

WHEREAS, for consistency with the NFIP minimum standards, SCC 30.65.100(1) must be amended to clarify that the specific flood hazard standards of both SCC 30.65.120 and SCC 30.65.230 shall be required; and

WHEREAS, for consistency with the NFIP minimum standards, SCC 30.65.120(3) must be clarified to indicate that the use of specific floodproofing standards for nonresidential construction shall comply with SCC 30.65.120(2)(b); and

WHEREAS, for consistency with the NFIP minimum standards, SCC 30.65.120(4) and 30.65.120(2)(c) must include all NFIP standards for floodproofing of agricultural construction and other accessory structures; and

WHEREAS, for consistency with NFIP minimum standards, SCC 30.65.120(5)(b) relating to mobile homes standards is deleted, because SCC 30.65.120(5)(a) is the updated language required by the NFIP; and

WHEREAS, DOE recommended that SCC 30.65.120(7) be amended to restrict the use of recreational vehicles in the floodway during flood season (October 1 – March 30); and

WHEREAS, a seasonal restriction of recreational vehicle use was found to be extremely restrictive to recreational users; and

WHEREAS, day use (dawn to dusk) of recreational vehicles is proposed during the flood season in SCC 30.65.120(7) and 30.22.130(19) and overnight use will be prohibited during flood season; and

WHEREAS, elimination of SCC 30.65.120(7) that allows permanent anchoring and elevation of recreational vehicles is proposed in all special flood hazard areas to discourage the use of recreational vehicles as permanent residences; and

WHEREAS, for consistency with the NFIP minimum standards, a new section SCC 30.65.120(9) is proposed to prohibit human habitation in wet floodproofed structures having enclosures below the elevated structure; and

WHEREAS, for consistency with the NFIP minimum standards, the provision in SCC 30.65.150(2) relating to the issuance of a floodproofing certificate must be amended through addition of the phrase, "and have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;" and

WHEREAS, for consistency with the NFIP, SCC 30.65.230(1)(b) must require documentation of hydrologic and hydraulic analysis performed in accordance with standard engineering practices; and

WHEREAS, additional code amendments were identified by PDS to clarify and update flood hazard permit requirements, processes and standards; and

WHEREAS, PDS proposes to delete the provision in SCC 30.65.125(1)(a) relating to crawlspace construction in areas with flood velocities greater than 5 feet per second relating to high velocity flood areas, because it is not clearly stated, and the requirement is clearly addressed in section 1612.5 of the International Building Code (IBC); and

WHEREAS, PDS proposes to clarify that ductwork must be placed one foot above the base flood elevation, not just above; and

WHEREAS, PDS plans examiners apply the provisions for high velocity flood areas according to the (IBC); and

WHEREAS, the Unified Development Code contains contradictory provisions related to the review and appeal process and public notice requirements in chapters 30.43C, 30.70 and 30.71 SCC that must be clarified; and

WHEREAS, the Federal Emergency Management Agency (FEMA) permits local jurisdictions to enact regulations that allow wet floodproofing of agricultural structures and residential accessory structures; and

WHEREAS, the Snohomish County Code regulates development in the floodplain and has adopted floodproofing standards in Chapter 30.65 SCC; and

WHEREAS, a wet floodproofing allowance is desirable for low value structures that can be designed to withstand damage during a base flood event; and

WHEREAS, SCC 30.65.120 contains provisions that allow wet floodproofing for low value agricultural structures; and

WHEREAS, the maximum value of \$30,000 provided in SCC 30.65.120 that regulates which agricultural structures can use the wet floodproofing provisions is outdated with regard to current construction values and should be increased; and

WHEREAS, Snohomish County Code does not contain provisions that allow wet floodproofing for low value residential accessory structures; however, an administrative determination allows a maximum value of \$12,000, which is outdated in terms of construction values and in need of an increase; and

WHEREAS, many applications for wet floodproofing of residential and agricultural accessory structures have been denied due to outdated property valuation thresholds and the rising value of such structures since the applicable code and rule were originally adopted; and

WHEREAS, the County identified a need to amend the outdated maximum value thresholds that limit the use of wet floodproofing for residential and agricultural accessory structures to allow reasonable use of the wet floodproofing provisions; and

WHEREAS, the updates in values were developed based on Assessor's data and would allow a maximum value of \$65,000 for the agricultural structure and \$25,000 for the residential structures; and

WHEREAS, to ensure that property owners avoid problems acquiring flood hazard elevation certificates, PDS recommends requiring the submittal of surveys that depict the existing ground elevation for the four corners of the proposed development with plan review applications; and

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WHEREAS, the reference note for recreational vehicles in the use matrix in SCC 30.22.130(19) is proposed to be amended for consistency with SCC 30.65.120; and

WHEREAS, SCC 30.65.120(2)(b)(ii) is proposed to be amended to clarify that the bottom of all openings in fully enclosed areas below the lowest floor subject to flooding shall be no higher than one foot above the interior and exterior lowest grades, not just the grade; and

WHEREAS, amendments to existing density fringe recording requirements are needed in SCC 30.65.265 requiring property owners to record notice of increased lot obstruction or density to ensure that future property owners are made aware of development restrictions on properties located in the density fringe flood hazard designation; and

WHEREAS, the recording with the Auditor of all flood hazard permits issued in the density fringe flood hazard area will provide title information regarding the structures used in the density fringe area calculations and available development potential; and

WHEREAS, the Planning Commission was briefed on the proposal on November 14, 2006, and held a public hearing on the proposal on December 12, 2006, and forwarded a recommendation to the County Council; and

WHEREAS, the County Council held a public hearing on February 7, 2007, continued to February 21, 2007 to consider the entire record and hear public testimony on Ordinance 07-005.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The County Council makes the following findings of fact:

- A. The foregoing recitals are incorporated herein as findings.
- B. Enactment of the Flood Disaster Protection Act of 1973 linked National Flood Insurance Program (NFIP) participation with federal flood damage assistance.

- C. Compliance with minimum NFIP requirements allows Snohomish County residents to purchase flood insurance and to retain its Community Rating System (CRS) rating. This rating helps to lower flood insurance rates in the County and is achieved through compliance with the adoption and efficient administration of NFIP standards and the provision of other programs that help to reduce the flood related loss of property and life.
- D. Flood insurance is required as a financial loan condition for all federal grant and loan programs, federal mortgage insurance programs and conventional bank loans.
- E. There are approximately 1,410 NFIP flood insurance policies in effect in unincorporated Snohomish County.
- F. The Department of Ecology (DOE) identified flood hazard code provisions that must be incorporated in the Snohomish County Code to ensure compatibility with the NFIP.
- G. The NFIP regulations at 44 CFR Section 60.3(a)(2) require that communities review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required. Compliance with NFIP standards can be met by augmenting the provisions in SCC 30.43C.100(2) to clarify that flood hazard permits may be approved when the permit is in compliance with the Snohomish County Code and other applicable local, state and federal regulations, and when permits from those agencies for which prior approval is required have been issued.
- H. Adding a reference to SCC 30.65.230 in SCC 30.65.100(1) specifies all of the required flood hazard protection standards required by the NFIP.
- I. The NFIP model ordinance requires that nonresidential structures that are elevated, not floodproofed, must meet the standards for space below the lowest floor as described in NFIP standards in section 5.2-1(2). Compliance with this requirement is achieved by amending SCC 30.65.120(3) to reference the use of specific floodproofing standards for nonresidential construction in SCC 30.65.120(2)(b).
- J. SCC 30.65.120(3) and 30.65.120(4) must include NFIP standards for floodproofing of agricultural structures and accessory structures. These standards specify that the construction shall not be used for human habitation, must include adequate hydrostatic flood openings, must use flood

resistant materials below the base flood elevation (BFE), must offer minimum resistance to the flow of floodwater (must be outside of the floodway), must be anchored to prevent flotation, collapse or lateral movement, must have elevated all electrical, plumbing and heating equipment above the BFE, and notify the applicant that they will incur higher flood insurance premiums.

- K. The CAV report indicated that DOE observed many recreational vehicles in the floodway during the CAV and many that seemed to be used as permanent residences. Because there appears to be increasing use of recreational vehicles, DOE recommended that SCC 30.65.120(7) allowing recreational vehicles to be on a site for 180 days in a 12 month period without restriction on when the 180 days may occur should be amended to restrict the use of recreational vehicles in the floodway during flood season (October 1 – March 30). By definition in SCC 30.91.050, and by restrictions in SCC 30.22.130(19), the county code does not allow the use of recreational vehicles as permanent residential dwellings, although this may occur illegally.

A complete prohibition of recreational vehicles during the entire flood season would eliminate the use of recreational vehicles for hunting, fishing and other seasonal recreation. A restriction to day use and removal of the recreational vehicle from the site at night during the flood season is proposed. Elimination of the provision in SCC 30.65.120(7)(c) that allows recreational vehicles to be permanently anchored and floodproofed would also address problems with illegal use of recreational vehicles as permanent residence.

PDS plans to implement additional educational programs regarding provisions for recreational vehicle use. PDS will coordinate with the Department of Public Works Surface Water Management Division's bi-annual flood information publications and will train all PDS inspection officers to distribute new information flyers regarding restrictions on the use of recreational vehicles.

- L. The addition of NFIP regulations in SCC 30.65.120(9) regarding prohibition of human habitation in wet floodproofed structures that have enclosures below the elevated structures will protect citizens (life and property) from serious flood hazard danger. This will to help ensure that the use of the structure is maintained as permitted and not used for human habitation.
- M. Deletion of the provision in SCC 30.65.125(1)(a), "Because of hydrodynamic loads, crawlspace construction is not permitted in areas with flood velocities greater than 5 feet per second." is needed. The language is unclear and confusing. The intent of the provision is already addressed in section 1612.5 -

Flood Hazard Documentation of the International Building Code (IBC). The IBC provides the requirements for addressing high velocity wave action.

- N. Augmenting the floodproofing certificate provisions in SCC 30.65.150(2) by the addition of the phrase, "and have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy" ensures compliance with NFIP standards and clarifies the requirements for permit applicants.
- O. SCC 30.65.230(1)(b) must be updated to meet the most current NFIP requirements related to the prohibition of all encroachments in the floodway unless verification by a registered professional engineer is provided. The required amendment specifies that the engineer must provide documentation meeting the standard for an exception based on hydrologic and hydraulic analysis performed in accordance with standard engineering practices.
- P. The County's wet floodproofing criteria for residential accessory structures limiting the use of such standards by a maximum assessed value of \$12,000 is out of date and allowed by administrative determination. In addition, the maximum assessed value for use of wet floodproofing standards for agricultural accessory structures is currently \$30,000 and is also out of date.
- Q. SCC 30.65.120 contains provisions that allow wet floodproofing for low value agricultural structures. Wet floodproofing is an alternative to the standard floodproofing requirements for structures in the floodplain, that include elevating the first floor to an height no less than 1 foot above the 100 year (base) flood elevation. The Federal Emergency Management Agency (FEMA) allows wet floodproofing of agricultural structures only when the structures are of a low value, and are oriented to allow floodwaters to easily pass through them during the base flood. These provisions require construction that will sustain only minimal damage and resulting minimal monetary loss during a base flood event. FEMA approved the existing regulations allowing wet floodproofing for agricultural structures.
- R. A structure that is wet floodproofed will typically be built with the first floor at grade (barn, garage, storage structure, etc.), and be designed to prevent water damage as floodwater passes through the structure during a flooding event. This requires elevating electrical and mechanical equipment one foot above base flood levels and orienting the structure parallel with flood flow and placing doors or removable walls at both ends of the structure to facilitate water flow through it.

- S. SCC 30.65.120 does not contain provisions that allow wet floodproofing of residential accessory structures. A PDS administrative determination currently allows wet floodproofing of residential accessory structures, including detached garages, storage buildings, and similar structures. Under an administrative determination, the current maximum value of a residential accessory structure that qualifies for wet floodproofing is \$12,000.
- T. The maximum allowed value for wet floodproofing is outdated in both county code for agricultural structures and in the PDS administrative determination. The increased cost of construction due to inflation has progressively resulted in smaller allowed structures over time due to the increased value of the structures. The increased maximum values contained in the ordinance will provide a greater opportunity to use the wet floodproofing standards, and offset inflationary effects of the last several years.
- U. The value of agricultural and residential accessory structures for the purpose of wet floodproofing is determined by construction value estimates. This is the most efficient method for determining value of a structure since it can be made at the time of building permit submittal. Currently, applicants that exceed the established maximum threshold use alternative methods to obtain a permit such as decreasing the size of proposed buildings and applying for additional permits.
- V. FEMA has noted in their NIFP Policy for Local Officials document (July 2001) that a maximum value for a residential accessory structure that is to be wet floodproofed should be no more than 10 percent of the total value of the property on which the structure is being placed. This standard was not in effect and not used when the current maximum values were established in county code, or by administrative determination.
- W. A sampling of both residential and agricultural properties in the floodplain of several county rivers concluded that an approximate average value for residential properties (those containing a residence) is \$254,131 and an approximate average value for agricultural properties is \$680,000. When using a 10 percent factor to determine a maximum structure value for both types of structures, a value of \$25,000 for residential and a value of \$65,000 for agricultural structures is proposed for the maximum values for these structures. FEMA guidelines state that they would not endorse a value more than 10% than the value of the overall property. Inflation factors could be used to calculate future thresholds that must be approved by FEMA and DOE prior to implementation.

The proposed ordinance adds wet floodproofing standards for residential accessory structures. Except for the maximum allowed value, the floodproofing standards are the same as those applied to agricultural structures.

- X. Consistency in chapters 30.43C, 30.70 and 30.71 of the Snohomish County Code regarding noticing requirements, and the permit decision and appeal processes will clarify the permit review process for permit applicants.
- Y. FEMA has approval authority over any amendments to the County's floodplain regulations. The proposed ordinance acknowledges FEMA's authority and requires FEMA approval prior to any future increases in the maximum assessed value.
- Z. There has been early and continuous public participation in the review of the proposed amendments.
- AA. The County issued a Determination of Non-Significance (DNS) on November 9, 2006, pursuant to SEPA for the proposal consistent with the provisions of Chapter 197-11 WAC and Chapter 30.61 SCC.
- BB. The public was notified of the public hearings held by the Planning Commission and the County Council by means of published legal notices in The (Everett) Herald and publication on the County website.
- CC. The proposals have been broadly disseminated to the public and opportunities have been provided for written comments and public hearing after effective notice.

Section 2. The County Council makes the following conclusions:

- A. The amendments to Title 30 SCC adopted by this ordinance comply with the NFIP.
- B. Flood hazard provisions identified by FEMA as inconsistent with NFIP standards must be amended to retain NFIP eligibility and to protect existing flood insurance policyholders.
- C. The public hearings and related public notices before the Planning Commission and County Council satisfy the public participation requirements of chapter 30.73 SCC.

- D. The SEPA process conducted for this ordinance satisfies the requirements of the State Environmental Policy Act, codified at chapter 43.21C RCW, as implemented by chapter 197-11 WAC and 30.61 SCC.
- E. The Washington Department of Community Trade and Economic Development and affected state agencies were notified of the proposed code amendments.
- F. This ordinance is adopted pursuant the Snohomish County Charter, and the Washington State Constitution, art. XI, sec. 11.

Section 3. Snohomish County Code Section 30.43C.020, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.43C.020 Flood hazard permit

Prior to any development within a special flood hazard area, a flood hazard permit shall be obtained. The department shall have the authority to approve, approve with conditions, or deny a flood hazard permit using a Type 1 ~~((process, except that flood hazard permits do not require public notice-))~~ administrative decision. The flood hazard permit is exempt from the notice provisions set forth in SCC 30.70.050 and SCC 30.70.060(2) except that the notice shall be provided in compliance with 30.70.045(3)(d) when applicable. If the permit is accompanied by a concurrent Type 2 application, the flood hazard permit application may, at the applicant's request, be processed concurrently with the Type 2 permit application. In order to be considered concurrent, the Type 2 application must be submitted to the county at the same time as the flood hazard permit application.

Section 4. Snohomish County Code Section 30.71.020, adopted by Amended Ordinance 02-064, December 9, 2002, is amended to read:

30.71.020 Type 1 permits and decisions.

The following are processed as Type 1 administrative decisions:

- (1) Administrative conditional use permit;
- (2) Binding site plan approval;
- (3) Boundary line adjustment, except as provided in 30.41E.020 SCC;
- (4) Building and grading permits subject to SEPA review pursuant to chapter 30.61 SCC, or subject to conditions imposed pursuant to chapter 30.32D;
- (5) Free standing signs in the FS and RFS zones;
- (6) Code interpretations issued pursuant to SCC 30.83.030(2);

- (7) Flood hazard permit, except as provided in SCC 30.43C.020 (~~except for single family and duplex residential development;~~);
- (8) Flood hazard variance;
- (9) Freeway service zone official site plan (existing FS zone);
- (10) Shoreline substantial development permit, shoreline conditional use, and shoreline variance, except when processed as a Type 2 decision pursuant to SCC 30.44.240;
- (11) Short subdivision approval with no dedication of a new public road right-of-way;
- (12) Urban centers project decision pursuant to chapter 30.34A SCC; and
- (13) Variance.

Section 5. Snohomish County Code Section 30.70.050, last amended by Amended Ordinance 05-042 on July 6, 2005, is amended to read:

30.70.050 Notice of application - timing and method.

- (1) The department shall provide notice of application within 10 days after a determination that the application is complete as specified in SCC Table 30.70.050(3). Required notice shall be given in accordance with SCC 30.70.045.
- (2) A notice of application shall include the following information:
 - (a) Date of application, date of completeness determination, and date of notice of application;
 - (b) Project description, list of permits requested, assigned county file number, and county contact person;
 - (c) Any information or studies requested by the department;
 - (d) Any other required permits not included in the application, to the extent known by the department;
 - (e) Any existing environmental documents that evaluate the proposed project, including where they can be inspected;
 - (f) The date, time, place, and type of public hearing, if applicable and if scheduled at the time of the notice;
 - (g) When notice is for a rezone action or development in a performance standard zone, a statement indicating where the full text and/or map of the rezone action may be inspected;
 - (h) A statement of when the comment period ends and the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal procedures;
 - (i) If determined at the time of notice, those development regulations that will be used for project mitigation or to review consistency; and
 - (j) Any other information determined appropriate by the department.

**SCC Table 30.70.050(3)
Notice of Application Requirements**

Application Type	Post	Publish	Mail
Administrative Conditional Use	X	X	X
Binding Site Plan	X	X	X
Building and grading permits subject to SEPA	X	X	X
Code interpretation processed as Type 1		X	
Code interpretation related to a specific project	X	X	X
Final Subdivision	[see SCC 30.41A.600 - 30.41A.665]		
Flood Hazard Permit – except as provided in SCC 30.43C.020 ((no notice required for SF or duplex development))	((X))	((X))	X
Flood Hazard Variance	X	X	X
Freeway service zone official site plan in existing zone	X	X	X
Free-standing sign in FS and RFS zone	X	X	X
SEPA threshold determination and EIS adequacy associated with project permit	X	X	X
Shoreline variance, conditional use, or substantial development permit or permit rescission	X	X	X
Short subdivision and rural cluster short subdivision	X	X	X
Variance	X	X	X
Conditional use and major revision	X	X	X
Preliminary subdivision and rural cluster subdivision, and major revision	X	X	X
Planned Residential Development and major revision	X	X	X
Official site plan or preliminary plan approval in performance standard zones (BP, PCB, IP, FS, T, RB, CRC, RFS, and RI)	X	X	X
Rezone – site specific	X	X	X
Review or revocation of a permit or approval pursuant to SCC 30.71.027	X	X	X
Pre-application Concurrency Decision	X	X	X
Any non-listed Type 1 or Type 2 permit application except Boundary Line Adjustments pursuant to SCC 30.41E.020(1)(c)	X	X	X

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Section 6. Snohomish County Code Section 30.43C.100, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.43C.100 Decision criteria - flood hazard permit.

The department may approve or approve with conditions a flood hazard permit when the following is met:

(1) The requirements of chapter 30.65 SCC are met, including, but not limited to

- (a) Floodproofing requirements;
- (b) Floodway encroachment provisions;
- (c) Density fringe area provisions; and
- (d) Requirements relating to the alteration or relocation of a watercourse; and

~~(2) ((The permit is in accordance with this code and other applicable local, state, and federal regulations and when development authorized by the permit will not:~~

- ~~—(a) Significantly increase the level of flooding on any lands;~~
- ~~—(b) Threaten the preservation of those natural conditions which are conducive to the maintenance of constant rates of water flow throughout the year by:~~
 - ~~—(i) creating or exacerbating rapid water runoff conditions which contribute to increased downstream flooding; and~~
 - ~~—(ii) eliminating natural groundwater absorption areas essential for reducing surface flood flows downstream; and~~
- ~~—(c) Materially pollute or contribute to the turbidity of flood waters.))~~

Permits from those agencies for which prior approval is required have been issued; and

(3) The permit is in accordance with this code and other applicable local, state, and federal regulations; and

(4) Development authorized by the permit will not:

- (a) Significantly increase the level of flooding on any lands;
- (b) Threaten the preservation of those natural conditions which are conducive to the maintenance of constant rates of water flow throughout the year by:
 - (i) creating or exacerbating rapid water runoff conditions which contribute to increased downstream flooding; and
 - (ii) eliminating natural groundwater absorption areas essential for reducing surface flood flows downstream. In-kind on-site mitigation may be used to achieve this requirement; and
- (c) Materially pollute or contribute to the turbidity of flood waters.

Section 7. Snohomish County Code Section 30.65.100, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.65.100 Floodproofing: use of available data.

(1) In all special flood hazard areas where base flood elevation data has been provided in accordance with SCC 30.65.040, or where the county can reasonably utilize base flood elevation data available from federal, state or other sources, the specific flood hazard protection standards of SCC 30.65.120 and SCC 30.65.230 shall be required.

(2) In all special flood hazard areas where base flood elevation data has not been provided, the County shall review all development proposals in accordance with SCC 30.65.110 general standards and SCC 30.65.120 specific standards and shall require compliance with the standards of said sections as necessary to assure that development will be reasonably safe from flooding. The test of reasonableness shall include use of historic data, high water marks, photographs of past flooding, etc., where available.

(3) When a regulatory floodway for a stream has not been designated, the county may require that applicants for new construction and substantial improvements reasonably utilize the best available information from a federal, state, or other source to consider the cumulative effect of existing, proposed, and anticipated future development and determine that the increase in the water surface elevation of the base flood will not be more than one foot at any point in the community. Building and development near streams without a designated floodway shall comply with the requirements of 44 CFR 60.3(b)(3) and (4) and (C)(10) of the National Flood Insurance Program regulations.

Section 8. Snohomish County Code Section 30.65.120, last amended by Amended Ordinance 05-068 on September 7, 2005, is amended to read:

30.65.120 Floodproofing -Specific standards.

In all special flood hazard areas where base elevation data has been provided as set forth in SCC 30.65.100, the following regulations shall apply, in addition to the general regulations of SCC 30.65.110:

(1) All electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are permanently affixed to a structure and which may be subject to floodwater damage shall be elevated a minimum of one foot above the base flood elevation or higher (unless within an approved watertight structure).

(2) Residential construction.

(a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation ((-)), except as provided in subsection (c) for residential accessory structures.

(b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters except as provided in subsection (c) for residential accessory structures. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(ii) the bottom of all openings shall be no higher than one foot above ((grade)) the interior and exterior lowest grades;

(iii) openings may be equipped with screens, louvers, or other coverings or devices only if they permit the automatic entry and exit of floodwaters.

(c) New construction and substantial improvement of a residential accessory structure, including but not limited to storage buildings, detached garages, sheds, and small pole buildings, together with attendant utility and sanitary facilities may as an alternative to the provisions of SCC 30.65.120(1) and (2), be wet floodproofed in accordance with the following:

(i) The structure must have a low potential for structural flood damage and shall not exceed a maximum assessed value for the cost of construction of \$25,000. The market value of construction shall be determined by the department in accordance with the valuation procedure utilized in conjunction with the setting of building permit fees;

(ii) Be designed and oriented to allow the free passage of floodwaters through the structure in a manner affording minimum flood damage;

(iii) Not be used for human habitation;

(iv) Include adequate hydrostatic flood openings;

(v) Use flood resistant materials below the base flood elevation;

(vi) Must offer minimum resistance to the flow of floodwater (must not be in the floodway);

(vii) Must be anchored to prevent flotation, collapse or lateral movement;
and

(viii) Must have elevated all electrical, plumbing and heating equipment one foot above the base flood elevation.

(d) Wet floodproofing will trigger higher flood insurance premiums.

(3) Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed so that any portion of a structure below ~~((a minimum of*))~~ a minimum of one foot elevation above base flood level is watertight with walls substantially impermeable to the passage of water; ~~((and))~~

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy~~((-))~~; and

(c) Must also comply with SCC 30.65.120(2)(b).

(4) Agricultural construction. New construction and substantial improvement of any agricultural structure except farmhouses and farmhouse mobile homes which are regulated by SCC 30.65.120(2) above shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation; and meet the floodproofing requirements of SCC 30.65.120(3). In the alternative, new construction and substantial improvement of any agricultural structure shall, together with attendant utility and sanitary facilities:

(a) Have a low potential for structural flood damage; and shall not exceed a maximum assessed value for the cost of construction of ~~\$(30,000))~~ 65,000. The market value of construction shall be determined by the department in accordance with the valuation procedure utilized in conjunction with the setting of building permit fees;

(b) Be designed and oriented to allow the free passage of floodwaters through the structure in a manner affording minimum flood damage ~~((-))~~;

(c) Not be used for human habitation;

(d) Include adequate hydrostatic flood openings;

(e) Use flood resistant materials below the base flood elevations;

(f) Must offer minimum resistance to the flow of floodwater (i.e. must not be in the floodway);

(g) Must be anchored to prevent flotation, collapse or lateral movement;

(h) Must have elevated all electrical, plumbing and heating equipment one foot above the base flood elevations; and

(i) Be subject to higher flood insurance premiums associated with wet floodproofing.

(5) Mobile homes.

(a) Installation of mobile homes and substantial improvements to mobile homes shall be elevated on a permanent foundation and shall be securely anchored to an adequately anchored foundation system in accordance with SCC 30.65.110(1)(b) ~~((to resist flotation, collapse and lateral movement,*))~~ to resist flotation, collapse and lateral movement, and shall have the lowest floor elevated a minimum of one foot above the base flood elevation.

~~((b) The repair, reconstruction or improvement of existing mobile home parks (including streets, utilities and pads), and mobile homes not placed in a mobile home park, shall have:~~

~~(i) pads or lots elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be a minimum of one foot above the base flood level;~~

~~(ii) adequate surface drainage and access provided for a hauler; and~~

~~(iii) in the instance of elevation on pilings.)~~

(6) Critical facilities as defined in SCC 30.91C.360 shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood plain shall be provided to all critical facilities to the extent possible.

(7) Recreational vehicles, when otherwise permitted by county code, shall

(a) Be on the site for fewer than 180 consecutive days; and

(b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; ~~((or))~~ and

(c) ~~((Meet the mobile home anchoring and elevation standards of SCC 30.65.120(5).))~~ Be limited in the floodways to day use only (dawn to dusk) during the flood season (October 1 through March 30) with the following exceptions:

(i.) Recreational vehicle use associated with a legally occupied dwelling to accommodate overnight guests for no more than a 21-day period;

(ii.) Temporary overnight use by farm workers on the farm where they are employed subject to SCC 30.22.130(19)(a) and (b) above; and

(iii.) Subject to SCC 30.22.120(7)(a) and (b), temporary overnight use in a mobile home park which has been in existence continuously since 1970 or before, that provides septic or sewer service, water and other utilities, and that has an RV flood evacuation plan that has been approved and is on file with the Department of Emergency Management and Department of Planning and Development Services.

(8) When fill is permitted to be used as an elevation/floodproofing technique, it shall be designed and installed so that it is properly compacted, sloped and armored to resist potential flood velocities, scouring and erosion during flooding.

(9) Flood hazard permits issued for wet floodproofing of any structure or for elevated structures having enclosures below the elevated structure that are wet floodproofed shall be subject to a standard permit condition prohibiting human habitation. The conditions shall be recorded on title on a form approved by the department.

~~((*Code Reviser Note: The text shown above in subsection (3)(a) and (5)(a) in italic font was added by Amended Ordinance No. 05-068 but was not indicated with addition marks.))~~

Section 9. Snohomish County Code Section 30.22.130, last amended by Amended Ordinance 06-057, August 2, 2006, is amended to read:

30.22.130 Reference notes for use matrix.

- (1) Airport, Stage 1 Utility:
 - (a) Not for commercial use and for use of small private planes; and
 - (b) In the RU zone, they shall be primarily for the use of the resident property owner.
- (2) Day Care Center:
 - (a) In WFB, R-7,200, R-8,400, R-9,600, R-12,500, R-20,000, and SA-1 zones, shall only be permitted in connection with and secondary to a school facility or place of worship; and
 - (b) Outdoor play areas shall be fenced or otherwise controlled, and noise buffering provided to protect adjoining residences.
- (3) Dock and Boathouse, Private, Non-commercial:
 - (a) The height of any covered over-water structure shall not exceed 12 feet as measured from the line of ordinary high water;
 - (b) The total roof area of covered, over-water structures shall not exceed 1,000 square feet;
 - (c) The entirety of such structures shall have a width no greater than 50 percent of the width of the lot at the natural shoreline upon which it is located;
 - (d) No over-water structure shall extend beyond the mean low water mark a distance greater than the average length of all preexisting over-water structures along the same shoreline and within 300 feet of the parcel on which proposed. Where no such preexisting structures exist within 300 feet, the pier length shall not exceed 50 feet;

(e) Structures permitted hereunder shall not be used as a dwelling, nor shall any boat moored at any wharf be used as a dwelling while so moored; and

(f) Covered structures are subject to a minimum setback of three feet from any side lot line or extension thereof. No side yard setback shall be required for uncovered structures. No rear yard setback shall be required for any structure permitted hereunder.

(4) Dwelling, Single family: In PCB zones, shall be allowed only if included within the same structure as a commercial establishment.

(5) Dwelling, Townhouse shall be:

(a) Subject to all conditions of chapter 30.31E SCC;

(b) Subject to the maximum density allowed by the appropriate implementing zone for the comprehensive plan designation applied to the site;

(c) A permitted use when placed on individual lots created by the subdivision process; and

(d) A conditional use when located on individual lots not created through the subdivision process.

(6) Dwelling, Mobile Home:

(a) Shall be multi-sectioned by original design, with a width of 20 feet or greater along its entire body length;

(b) Shall be constructed with a non-metallic type, pitched roof;

(c) Except where the base of the mobile home is flush to ground level, shall be installed either with:

(i) skirting material which is compatible with the siding of the mobile home; or

(ii) a perimeter masonry foundation;

(d) Shall have the wheels and tongue removed; and

(e) In the RU zone the above only applies if the permitted lot size is less than 20,000 square feet.

(7) Fallout Shelter, Joint, by two or more property owners:

Side and rear yard requirements may be waived by the department along the boundaries lying between the properties involved with the proposal, and zone; provided that its function as a shelter is not impaired.

(8) Family Day Care Home:

(a) No play yards or equipment shall be located in any required setback from a street; and

(b) Outdoor play areas shall be fenced or otherwise controlled.

(9) Farm Stand:

(a) There shall be only one stand on each lot; and

(b) At least 50% by farm product unit of the products sold shall be grown, raised or harvested in Snohomish County, and 75% by farm product unit of the products sold shall be grown, raised or harvested in the State of Washington.

(10) Farm Worker Dwelling:

(a) At least one person residing in each farm worker dwelling unit shall be employed full time in the farm operation;

(b) An agricultural farm worker dwelling unit affidavit must be signed and recorded with the county attesting to the need for such dwellings to continue the farm operation;

(c) The number of farm worker dwellings shall be limited to one per each 40 acres under single contiguous ownership to a maximum of six total dwellings, with 40 acres being required to construct the first accessory dwelling unit. Construction of the maximum number of dwelling units permitted shall be interpreted as exhausting all residential potential of the land until such time as the property is legally subdivided; and

(d) All farm worker dwellings must be clustered on the farm within a 10-acre farmstead which includes the main dwelling. The farmstead's boundaries shall be designated with a legal description by the property owner with the intent of allowing maximum flexibility while minimizing interference with productive farm operation. Farm worker dwellings may be located other than as provided for in this subsection only if environmental or physical constraints preclude meeting these conditions.

(11) Home Occupation: See SCC 30.28.050(1).

(12) Kennel, Commercial: There shall be a five-acre minimum lot area; except in the R-5 and RD zones, where 200,000 square feet shall be the minimum lot area.

(13) Kennel, Private-breeding, and Kennel, Private Non-breeding: Where the animals comprising the kennel are housed within the dwelling, the yard or some portion thereof shall be fenced and maintained in good repair or to contain or to confine the animals upon the property and restrict the entrance of other animals.

(14) Parks, Publicly-owned and Operated:

(a) No bleachers are permitted if the site is less than five acres in size;

(b) All lighting shall be shielded to protect adjacent properties; and

(c) No amusement devices for hire are permitted.

(15) Boarding House: There shall be accommodations for no more than two persons.

(16) RESERVED for future use (Social Service Center - DELETED by Amended Ord. 04-010 effective March 15, 2004)

(17) Swimming/Wading Pool (not to include hot tubs and spas): For the sole use of occupants and guests:

(a) No part of the pool shall project more than one foot above the adjoining ground level in a required setback; and

(b) The pool shall be enclosed with a fence not less than four feet high, of sufficient design and strength to keep out children.

Amended Ordinance No. 07-005 as adopted by Council on Feb. 21, 2007

RELATING TO FLOOD HAZARD REGULATIONS, UPDATING REGULATIONS AND FLOOD HAZARD PERMIT REQUIREMENTS TO COMPLY WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) AND MAKING ADDITIONAL UPDATES AND CLARIFICATIONS; AND AMENDING SECTIONS 30.43C.020, 30.43C.100, 30.70.050, 30.71.020, 30.65.100, 30.65.120, 30.22.130, 30.65.125, 30.65.150, 30.65.230, AND 30.65.265 OF THE SNOHOMISH COUNTY CODE (SCC)

(18) Temporary Dwelling for a relative:

(a) The dwelling shall be occupied only by a relative, by blood or marriage, of the occupant(s) of the permanent dwelling;

(b) The relative must receive from, or administer to, the occupant of the other dwelling continuous care and assistance necessitated by advanced age or infirmity;

(c) The need for such continuous care and assistance shall be attested to in writing by a licensed physician;

(d) The temporary dwelling shall be occupied by not more than two persons;

(e) Use as a commercial rental unit shall be prohibited;

(f) The temporary dwelling shall be situated not less than 20 feet from the permanent dwelling on the same lot and shall not be located in any required yard of the principal dwelling;

(g) A land use permit binder shall be executed by the landowner, recorded with the Snohomish County Auditor and a copy of the recorded document submitted to the department for inclusion in the permit file;

(h) Adequate screening, landscaping, or other measures shall be provided to protect surrounding property values and ensure compatibility with the immediate neighborhood;

(i) An annual renewal of the temporary dwelling permit, together with recertification of need, shall be accomplished by the applicant through the department in the same month of each year in which the initial mobile home/building permit was issued;

(j) An agreement to terminate such temporary use at such time as the need no longer exists shall be executed by the applicant and recorded with the Snohomish County Auditor; and

(k) Only one temporary dwelling may be established on a lot. The temporary dwelling shall not be located on a lot on which a detached accessory apartment is located.

(19) Recreational Vehicle:

(a) There shall be no more than one per lot; ~~(and)~~

(b) Shall not be placed on a single site for more than 180 days in any 12-month period; and

(c) Shall be limited in the floodways to day use only (dawn to dusk) during the flood season (October 1 through March 30) with the following exceptions:

(i.) Recreational vehicle use associated with a legally occupied dwelling to accommodate overnight guests for no more than a 21-day period;

- (ii.) Temporary overnight use by farm workers on the farm where they are employed subject to SCC 30.22.130(19)(a) and (b) above; and
- (iii.) Subject to SCC 30.22.130(19)(a) and (b) above and SCC 30.22.120(7)(b), temporary overnight use in a mobile home park, which has been in existence continuously since 1970 or before, that provides septic or sewer service, water and other utilities, and that has an RV flood evacuation plan that has been approved and is on file with the Department of Emergency Management and Department of Planning and Development Services

(20) Ultralight Airpark:

(a) Applicant shall submit a plan for the ultralight airpark showing the location of all buildings, ground circulation, and parking areas, common flight patterns, and arrival and departure routes;

(b) Applicant shall describe in writing the types of activities, events, and flight operations which are expected to occur at the airpark; and

(c) Approval shall be dependent upon a determination by the county decision maker that all potential impacts such as noise, safety hazards, sanitation, traffic, and parking are compatible with the site and neighboring land uses, particularly those involving residential uses or livestock or small animal husbandry; and further that the proposed use can comply with Federal Aviation Administration regulations (FAR Part 103), which state that ultralight vehicle operations will not:

(i) create a hazard for other persons or property;

(ii) occur between sunset and sunrise;

(iii) occur over any substantially developed area of a city, town, or settlement, particularly over residential areas or over any open air assembly of people; or

(iv) occur in an airport traffic area, control zone, terminal control area, or positive control area without prior authorization of the airport manager with jurisdiction.

(21) Craft Shop:

(a) Articles shall not be manufactured by chemical processes;

(b) No more than three persons shall be employed at any one time in the fabricating, repair, or processing of materials; and

(c) The aggregate nameplate horsepower rating of all mechanical equipment on the premises shall not exceed two.

(22) Grocery and Drug Stores: In the FS zone, there shall be a 5,000-square foot floor area limitation.

(23) Motor Vehicle and Equipment Sales: In the CB and CRC zone, all display, storage, and sales activities shall be conducted indoors.

(24) Race Track: The track shall be operated in such a manner so as not to cause offense by reason of noise or vibration beyond the boundaries of the subject property.

(25) Rural Industry:

(a) The number of employees shall not exceed 10;

(b) All operations shall be carried out in a manner so as to avoid the emission or creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water drainage, sewage, water pollution, or other emissions which are unduly or unreasonably offensive or injurious to properties, residents, or improvements in the vicinity;

(c) The owner of the rural industry must reside on the same premises as the rural industry and, in the RD zone, the residence shall be considered as a caretaker's quarters; and

(d) Outside storage, loading or employee parking in the RD zone shall provide 15-foot wide Type A landscaping as defined in SCC 30.25.017.

(26) Sawmill, Shake and Shingle Mill:

(a) Such uses shall not include the manufacture of finished wood products such as furniture and plywood, but shall include lumber manufacturing;

(b) The number of employees shall not exceed 25 during any eight-hour work shift;

(c) All operations shall be carried out in a manner so as to avoid the emission or creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water drainage, sewage, water pollution, or other emissions which are unduly or unreasonably offensive or injurious to properties, residents or improvements in the vicinity; and

(d) Sawmills and shakemills adjacent to a state highway in the RU zone shall provide 25 feet of Type A landscaping as defined in SCC 30.25.017.

(27) Governmental and Utility Structures and Facilities:

Special lot area requirements for this use are contained in SCC 30.23.200.

(28) Excavation and Processing of Minerals:

(a) This use, as described in SCC 30.31D.010(2), is allowed in the identified zones only where these zones coincide with the mineral lands designation in the comprehensive plan (mineral resource overlay or MRO), except for the MC zone where mineral lands designation is not required.

(b) An Administrative Conditional Use Permit or a Conditional Use Permit is required pursuant to SCC 30.31D.030.

(c) Excavation and processing of minerals exclusively in conjunction with forest practices regulated pursuant to chapter 76.09 RCW is permitted outright in the Forestry zone.

(29) Medical Clinic, Licensed Practitioner: A prescription pharmacy may be permitted when located within the main building containing licensed practitioner(s).

(30) Forest Industry Storage & Maintenance Facility (except harvesting) adjacent to property lines in the RU zone shall provide 15-foot wide Type A landscaping as defined in SCC 30.25.017.

(31) Boat Launch Facilities, Commercial or Non-commercial:

(a) The hearing examiner may regulate, among other factors, required launching depth, lengths of existing docks and piers;

(b) Off-street parking shall be provided in an amount suitable to the expected usage of the facility. When used by the general public, the guideline should be 32 to 40 spaces capable of accommodating both a car and boat trailer for each ramp lane of boat access to the water;

(c) A level vehicle-maneuvering space measuring at least 50 feet square shall be provided;

(d) Pedestrian access to the water separate from the boat launching lane or lanes may be required where it is deemed necessary in the interest of public safety;

(e) Safety buoys shall be installed and maintained separating boating activities from other water-oriented recreation and uses where this is reasonably required for public safety, welfare, and health; and

(f) All site improvements for boat launch facilities shall comply with all other requirements of the zone in which it is located.

(32) Campground:

(a) The maximum overall density shall be seven camp or tent sites per acre; and

(b) The minimum site size shall be 10 acres.

(33) Commercial Vehicle Home Basing:

(a) The vehicles may be parked and maintained only on the property wherein resides a person who uses them in their business;

(b) Two or more vehicles may be so based; and

(c) The vehicles shall be in operable conditions.

(34) Distillation of Alcohol:

(a) The distillation shall be from plant products, for the purpose of sale as fuel, and for the production of methane from animal waste produced on the premises;

(b) Such distillation shall be only one of several products of normal agricultural activities occurring on the premises; and

(c) By-products created in this process shall be used for fuel or fertilizer on the premises.

(35) RESERVED for future use (Group Care Facility - DELETED by Amended Ord. 04-010 effective March 15, 2004)

(36) Mobile Home and Travel Trailer Sales:

(a) Property shall directly front upon a principal or minor arterial in order to reduce encroachment into the interior of IP designated areas;

(b) The hearing examiner shall consider the visual and aesthetic characteristics of the use proposal and determine whether nearby business and industrial uses, existing or proposed, would be potentially harmed thereby. A finding of potential incompatibility shall be grounds for denial;

(c) The conditional use permit shall include a condition requiring mandatory review by the hearing examiner at intervals not to exceed five years for the express purpose of evaluating the continued compatibility of the use with other IP uses. The review required herein is in addition to any review which may be held pursuant to SCC 30.42B.100, SCC 30.42C.100 and SCC 30.43A.100;

(d) Such use shall not be deemed to be outside storage for the purpose of SCC 30.25.024; and

(e) Such use shall be temporary until business or industrial development is timely on the site or on nearby IP designated property.

(37) Small Animal Husbandry: There shall be a five-acre minimum site size.

(38) Mobile Home Park: Such development must fulfill the requirements of chapter 30.42E SCC.

(39) Sludge Utilization: See SCC 30.28.085.

(40) Homestead Parcel: See SCC 30.28.055.

(41) Special Setback Requirements for this use are contained in SCC 30.23.110(20).

(42) Minimum Lot Size for duplexes shall be one and one-half times the minimum lot size for single family dwellings. In the RU zone, this provision only applies when the minimum lot size for single family dwellings is 12,500 square feet or less.

(43) Petroleum Products and Gas, Bulk Storage:

(a) All above ground storage tanks shall be located 150 feet from all property lines; and

(b) Storage tanks below ground shall be located no closer to the property line than a distance equal to the greatest dimensions (diameter, length or height) of the buried tank.

(44) Auto Wrecking Yards and Junkyards: A sight-obscuring fence a minimum of seven feet high shall be established and maintained in the LI zone. For requirements for this use, SCC 30.25.020 and 30.25.050 applies.

(45) Antique Shops when established as a home occupation as regulated by SCC 30.28.050(1); provided further that all merchandise sold or offered for sale shall be predominantly "antique" and antique-related objects.

(46) Billboards: See SCC 30.27.080 for specific requirements.

(47) Nursery, Wholesale: In R-20,000 zone, a wholesale nursery is permitted on three acres or more; a conditional use permit is required on less than three acres.

(48) Stockyard and Livestock Auction Facility: The minimum lot size is 10 acres.

(49) Restaurants and Personal Service Shops: Located to service principally the constructed industrial park uses.

(50) Sludge Utilization: A conditional use permit is required for manufacture of materials by a non-governmental agency containing stabilized or digested sludge for a public utilization.

(51) Single Family and Multifamily Dwellings are a prohibited use, except for the following:

(a) Existing dwellings that are nonconforming as a result of a county-initiated rezone to BP may make improvements or additions provided such improvements are consistent with the bulk regulations contained in chapter 30.23 SCC; provided further that such improvements do not increase the ground area covered by the structural portion of the nonconforming use by more than 100 percent of that existing at the existing date of the nonconformance; and

(b) New single family and multifamily dwellings in the BP zone authorized pursuant to the provisions of SCC 30.31A.140.

(52) Greenhouses, Lath Houses, and Nurseries:

(a) Incidental sale of soil, bark, fertilizers, plant nutrients, rocks, and similar plant husbandry materials is permitted;

(b) The sale of garden tools and any other hardware or equipment shall be prohibited; and

(c) There shall be no on-site signs advertising other than the principal use.

(53) Retail Store: See SCC 30.31A.120 for specific requirements for retail stores in the BP zone.

(54) Retail Sales of Hay, Grain, and Other Livestock Feed are permitted on site in conjunction with a livestock auction facility.

(55) Noise of Machines and Operations in the LI and HI zones shall comply with chapter 10.01 SCC and machines and operations shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness.

(56) Sludge Utilization only at a completed sanitary landfill or on a completed cell within a sanitary landfill, subject to the provision of SCC 30.28.085.

(57) Woodwaste Recycling and Woodwaste Storage Facility: See SCC 30.28.095.

(58) Bed and Breakfast Guesthouses and Bed and Breakfast Inns: See SCC 30.28.020.

(59) Detached accessory or non-accessory private garages and storage structures are subject to the following requirements:

(a) Special setback requirements for these uses are contained in SCC 30.23.110(20);

(b) Artificial lighting shall be hooded or shaded so that direct outside lighting, if any, will not result in glare when viewed from the surrounding property or rights-of-way;

(c) The following compatibility standards shall apply:

(i) proposals for development in existing neighborhoods with a well-defined character should be compatible with or complement the highest quality features, architectural character and siting pattern of neighboring buildings. Where there is no discernable pattern, the buildings shall complement the neighborhood. Development of detached private garages and storage structures shall not interrupt the streetscape or dwarf the scale of existing buildings of existing neighborhoods. Applicants may refer to the Residential Development Handbook for Snohomish County Communities to review techniques recommended to achieve neighborhood compatibility;

(ii) building plans for all proposals larger than 2,400 square feet in the Waterfront Beach, R 7,200, R 8,400, R 9,600 and R 12,500 zones and rural cluster subdivisions shall document the use of building materials compatible and consistent with existing on-site residential development exterior finishes;

(iii) in the Waterfront Beach, R 7,200, R 8,400, R 9,600 and R 12,500 zones and rural cluster subdivisions, no portion of a detached accessory private garage or storage structure shall extend beyond the building front of the existing single family dwelling, unless screening, landscaping, or other measures are provided to ensure compatibility with adjacent properties; and

(iv) in the Waterfront Beach, R 7,200, R 8,400, R 9,600 and R 12,500 zones and rural cluster subdivisions, no portion of a detached non-accessory private garage or storage structure shall extend beyond the building front of existing single family dwellings on adjacent lots where the adjacent dwellings are located within 10 feet of the subject property line. When a detached non-accessory private garage or storage structure is proposed, the location of existing dwellings on adjacent properties located within 10 feet of the subject site property lines shall be shown on the site plan;

(d) All detached accessory or non-accessory private garages and storage structures proposed with building footprints larger than 2,400 square feet shall provide screening or landscaping from adjacent properties as follows:

(i) the permit application site plan shall depict existing and proposed screening, landscaping or other measures that ensure visual compatibility with adjacent properties;

(ii) the site plan shall show the amount, type and spacing of proposed planting materials. Plant materials, species and design shall be approved by the department. Landscaping modifications, installation and maintenance requirements are regulated by SCC 30.25.040, SCC 30.25.043 and SCC 30.25.045. The minimum planting standards set forth at SCC 30.25.015(5) and (6) shall apply;

(iii) at the director's discretion, existing natural vegetation or other adequate visual screening located on the subject site may be approved in lieu of the requirements of SCC 30.22.130(59)(d)(ii) if it is determined that the existing screening or landscaping meets the intent of SCC 30.22.130(59)(d). Photographs shall be submitted with the permit application and the existing features shall be shown to scale on the site plan;

(iv) approval of other screening measures that ensure visual compatibility shall be determined on a case by case basis at the discretion of the director; and

(v) after a site visit, the director may determine that screening or landscaping is not warranted due to existing circumstances on the site or adjacent properties and may waive the screening or landscaping requirements of SCC 30.22.130(d);

(e) On lots less than ten acres in size having no established residential use, only one non-accessory private garage and one storage structure shall be allowed. On lots 10 acres or larger without a residence where the cumulative square footage of all existing and proposed non-accessory private garages and storage structures is 6,000 square feet or larger, a conditional use permit shall be required.

(f) Where permitted, separation between multiple private garages or storage structures shall be regulated pursuant to subtitle 30.5 SCC.

(60) The cumulative square footage of all detached accessory and non-accessory private garages and storage structures shall not exceed 6,000 square feet on any lot less than 5 acres, except this provision shall not apply in the LDMR, MR, T, NB, GC, PCB, CB, FS, BP, IP, LI, HI, RB, RFS, CRC and RI zones.

(61) Museums: Museums within the agriculture A-10 zone are permitted only in structures which are legally existing on October 31, 1991.

(62) Accessory Apartments: See SCC 30.28.010.

(63) Temporary Woodwaste Recycling and Temporary Woodwaste Storage Facilities: See SCC 30.28.090.

(64) Home Occupation: See SCC 30.28.050(2).

(65) On-site Hazardous Waste Treatment and Storage Facilities are allowed only as an incidental use to any use generating hazardous waste which is otherwise allowed; provided that such facilities demonstrate compliance with the state siting criteria for dangerous waste management facilities pursuant to RCW 70.105.210 and WAC 173-303-282 as now written or hereafter amended.

(66) An application for a conditional use permit to allow an off-site hazardous waste treatment and storage facility shall demonstrate compliance with the state siting criteria for dangerous waste management facilities pursuant to RCW 70.105.210 and WAC 173-303-282 as now written or hereafter amended.

(67) Adult Entertainment Uses: See SCC 30.28.015.

(68) Special Building Height provisions for this use are contained in SCC 30.23.050(4).

(69) Bakery: In the NB zone, the gross floor area of the use shall not exceed 1,000 square feet and the bakery business shall be primarily retail in nature.

(70) Equestrian Centers are allowed with a conditional use permit on all lands zoned A-10 except in that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers designated density fringe as described in chapter 30.65 SCC.

(71) Mini-equestrian Centers are allowed as a permitted use on all lands zoned A-10 except in that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers designated density fringe as described in chapter 30.65 SCC.

(72) Equestrian Centers and Mini-equestrian Centers require the following:

(a) Five-acre minimum site size for a mini-equestrian center;

(b) Covered riding arenas shall not exceed 15,000 square feet for a mini-equestrian center; provided that stabling areas, whether attached or detached, shall not be included in this calculation;

(c) Any lighting of an outdoor or covered arena shall be shielded so as not to glare on surrounding properties or rights-of-way;

(d) On sites located in RC and R-5 zones, Type A landscaping as defined in SCC 30.25.017 is required to screen any outside storage, including animal waste storage, and parking areas from adjacent properties;

(e) Riding lessons, rentals, or shows shall only occur between 8 a.m. and 9 p.m.;

(f) Outside storage, including animal waste storage, and parking areas shall be set back at least 30 feet from any adjacent property line. All structures shall be set back as required in SCC 30.23.110(8); and

(g) The facility shall comply with all applicable county building, health, and fire code requirements.

(73) Temporary Residential Sales Coach (TRSC):

(a) The commercial coach shall be installed in accordance with all applicable provisions within chapter 30.54A SCC;

(b) The TRSC shall be set back a minimum of 20 feet from all existing and proposed road rights-of-way and five feet from proposed and existing property lines;

(c) Vehicular access to the temporary residential sales coach shall be approved by the county or state; and

(d) Temporary residential sales coaches may be permitted in approved preliminary plats, prior to final plat approval, when the following additional conditions have been met:

- (i) plat construction plans have been approved;
- (ii) the fire marshal has approved the TRSC proposal;
- (iii) proposed lot lines for the subject lot are marked on site; and
- (iv) the site has been inspected for TRSC installation to verify

compliance with all applicable regulations and plat conditions, and to assure that grading, drainage, utilities infrastructure, and native growth protection areas are not adversely affected.

(74) Golf Course and Driving Range: In the A-10 zone, artificial lighting of the golf course or driving range shall not be allowed. Grading shall be limited in order to preserve prime farmland. At least 75 percent of prime farmland on site shall remain undisturbed.

(75) Model Hobby Park: SCC 30.28.060.

(76) Commercial Retail Uses are not allowed in the Light Industrial and Industrial Park zones when said zones are located in the Maltby UGA of the comprehensive plan, and where such properties are, or can be served by railway spur lines.

(77) Studio: Studio uses may require the imposition of special conditions to ensure compatibility with adjacent residential, multiple family, or rural-zoned properties. The hearing examiner may impose such conditions when deemed necessary pursuant to the provisions of chapter 30.42C SCC. The following criteria are provided for hearing examiner consideration when specific circumstances necessitate the imposition of conditions:

(a) The number of nonresident artists and professionals permitted to use a studio at the same time may be limited to no more than 10 for any lot 200,000 square feet or larger in size, and limited to five for any lot less than 200,000 square feet in size;

(b) The hours of facility operation may be limited; and

(c) Landscape buffers may be required to visually screen facility structures or outdoor storage areas when the structures or outdoor storage areas are proposed within 100 feet of adjacent residential, multiple family, and rural-zoned properties. The buffer shall be an effective site obscuring screen consistent with Type A landscaping as defined in SCC 30.25.017.

(78) The gross floor area of the use shall not exceed 1,000 square feet.
(79) The gross floor area of the use shall not exceed 2,000 square feet.
(80) The gross floor area of the use shall not exceed 4,000 square feet.
(81) The construction contracting use in the Rural Business zone shall be subject to the following requirements:

(a) The use complies with all of the performance standards required by SCC 30.31F.100 and 30.31F.110;

(b) Not more than 1,000 square feet of outdoor storage of materials shall be allowed and shall be screened in accordance with SCC 30.25.024;

(c) In addition to the provisions of SCC 30.22.130(81)(b), not more than five commercial vehicles or construction machines shall be stored outdoors and shall be screened in accordance with SCC 30.25.020 and 30.25.032;

(d) The on-site fueling of vehicles shall be prohibited; and

(e) The storage of inoperable vehicles and hazardous or earth materials shall be prohibited.

(82) Manufacturing, Heavy includes the following uses: Distillation of wood, coal, bones, or the manufacture of their by-products; explosives manufacturing; manufacture of fertilizer; extraction of animal or fish fat or oil; forge, foundry, blast furnace or melting of ore; manufacturing of acid, animal black/black bone, cement or lime, chlorine, creosote, fertilizer, glue or gelatin, potash, pulp; rendering of fat, tallow and lard, rolling or booming mills; tannery; or tar distillation and manufacturing. See SCC 30.91M.028.

(83) "All other forms of manufacture not specifically listed" is a category which uses manufacturing workers, as described under the Dictionary of Occupational Titles, published by the US Department of Labor, to produce, assemble or create products and which the director finds consistent with generally accepted practices and performance standards for the industrial zone where the use is proposed. See SCC 30.91M.024 and 30.91M.026.

(84) Home Occupations: See SCC 30.28.050(3).

(85) A single family dwelling may have only one guesthouse.

(86) Outdoor display or storage of goods and products is prohibited on site.

(87) Wedding Facility:

(a) Such use is permitted only on undeveloped land or in structures which are legally existing on January 1, 2001;

(b) The applicant shall demonstrate that the following criteria are met with respect to the activities related to the use:

(i) compliance with the noise control provisions of chapter 10.01 SCC;

(ii) adequate vehicular site distance and safe turning movements exist at the access to the site consistent with the EDDS as defined in title 13 SCC; and

(iii) adequate sanitation facilities are provided on site pursuant to chapter 30.52A SCC and applicable Snohomish Health District provisions;

Amended Ordinance No. 07-005 as adopted by Council on Feb. 21, 2007

RELATING TO FLOOD HAZARD REGULATIONS, UPDATING REGULATIONS AND FLOOD HAZARD PERMIT REQUIREMENTS TO COMPLY WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) AND MAKING ADDITIONAL UPDATES AND CLARIFICATIONS; AND AMENDING SECTIONS 30.43C.020, 30.43C.100, 30.70.050, 30.71.020, 30.65.100, 30.65.120, 30.22.130, 30.65.125, 30.65.150, 30.65.230, AND 30.65.265 OF THE SNOHOMISH COUNTY CODE (SCC)

(c) Adequate on-site parking shall be provided for the use pursuant to SCC 30.26.035;

(d) A certificate of occupancy shall be obtained pursuant to chapter 30.52A SCC for the use of any existing structure. The certificate of occupancy shall be subject to an annual inspection and renewal pursuant to SCC 30.53A.060 to ensure building and fire code compliance;

(e) In the A-10 zone, the applicant must demonstrate that the activities related to the use are subordinate to the use of the site for agricultural purposes; and

(f) In the A-10 zone, any grading or disturbances required to support the use shall be limited to preserve prime farmland. At least 90 percent of prime farmland on site shall remain undisturbed.

(88) Public/Institutional Use Designation (P/IU): When applied to land that is (a) included in an Urban Growth Area and (b) designated P/IU on the Snohomish County Future Land Use Map concurrent with or prior to its inclusion in a UGA, the R-7,200, R-8,400 and R-9,600 zones shall allow only the following permitted or conditional uses: churches and school instructional facilities. All other uses are prohibited within areas that meet criteria (a) and (b), unless the P/IU designation is changed.

(89) Hotel/Motel uses are permitted in the Light Industrial zone when the following criteria are met:

(a) The Light Industrial zone is located within a municipal boundary;

(b) The municipal airport boundary includes no less than 1000 acres of land zoned light industrial; and

(c) The hotel/motel use is served by both public water and sewer.

(90) Health and social service facilities regulated under this title do not include secure community transition facilities (SCTFs) proposed pursuant to chapter 71.09 RCW. See SCC 30.91H.095.

(a) Snohomish County is preempted from regulation of SCTFs. In accordance with the requirements of state law the county shall take all reasonable steps permitted by chapter 71.09 RCW to ensure that SCTFs comply with applicable siting criteria of state law. Every effort shall be made by the county through the available state procedures to ensure strict compliance with all relevant public safety concerns, such as emergency response time, minimum distances to be maintained by the SCTF from "risk potential" locations, electronic monitoring of individual residents, household security measures and program staffing.

(b) Nothing herein shall be interpreted as to prohibit or otherwise limit the county from evaluating, commenting on, or proposing public safety measures to the state of Washington in response to a proposed siting of a SCTF in Snohomish County.

(c) Nothing herein shall be interpreted to require or authorize the siting of more beds or facilities in Snohomish County than the county is otherwise required to site for its SCTFs pursuant to the requirements of state law.

(91) Level II health and social service uses are allowed outside the UGA only when the use is not served by public sewer.

(92) The area of the shooting range devoted to retail sales of guns, bows, and related equipment shall not exceed one-third (1/3) of the gross floor area of the shooting range and shall be located within a building or structure.

(93) Farmers Market: See SCC 30.28.036.

(94) Farm Product Processing and Farm Support Business: See SCC 30.28.038.

(95) Farmland Enterprise: See SCC 30.28.037.

(96) Public Events/Assemblies on Farmland: Such event or assembly shall:

(a) Comply with the requirements of Chapter 6.37 SCC; and

(b) Not exceed two events per year. No event shall exceed two weeks in duration.

(97) Bakery, Farm: The gross floor area of the use shall not exceed 1,000 square feet.

(98) Recreational Facility Not Otherwise Listed in Ag-10 zone: See SCC 30.28.076.

(99) Farm Stand: See SCC 30.28.039.

(100) Farm Stand: Allowed as a Permitted Use (P) when sited on land designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan. Allowed as an Administrative Conditional Use (A) when sited on land not designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan.

(101) Farmers Market: Allowed as a Permitted Use (P) when sited on land designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan. Allowed as an Administrative Conditional Use (A) when sited on land not designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan.

(102) Community Facilities for Juveniles in R-5 zones must be located within one mile of an active public transportation route at the time of permitting.

(103) All community facilities for juveniles shall meet the performance standards set forth in SCC 30.28.025.

(104) Personal wireless telecommunications service facilities: See chapter 30.28A SCC and landscaping standards in SCC 30.25.025.

(105) Personal wireless telecommunications service facilities are subject to a building permit pursuant to SCC 30.28A.020 and the development standards set forth in chapter 30.28A SCC and landscaping standards in SCC 30.25.025.

(106) A building permit only is required for facilities co-locating on existing utility poles, towers, and/or antennas unless otherwise specified in 30.28A SCC.

(107) R-5 w/MRO: Uses are restricted where the Mineral Resource Overlay (MRO) coincides with the R-5 zone to prevent development which would preclude future access to the mineral resources. Residential subdivision is restricted pursuant to 30.32C.150.

(108) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) and located within the NB or PCB zones may include the permitted uses in these zones. Uses listed in SCC 30.34A.100(5) and conditional uses in the NB and PCB zones are prohibited in these projects.

(109) Privately operated off-road vehicle (ORV) use areas shall be allowed by conditional use permit on Forestry and Recreation (F&R) zoned property designated Forest on the comprehensive plan future land use map. These areas shall be identified by an F&R ORV suffix on the zoning map. Privately operated ORV use areas are regulated pursuant to SCC 30.28.080, SCC 30.28.085 and other applicable county codes.

(110) Recreational Facility Not Otherwise Listed: Playing fields permitted in accordance with chapter 30.33B SCC are allowed as a Permitted Use (P) when sited on designated recreational land as identified on the future land use map in the county's comprehensive plan.

(111) Recreational Facility Not Otherwise Listed: Playing fields not permitted in accordance with chapter 30.33B SCC are allowed as an Administrative Conditional Use (A) when sited on designated recreational land as identified on the future land use map in the county's comprehensive plan.

(112) Land zoned R-5 and having an RA overlay, depicted as R-5-RA on the official zoning map, is a Transfer of Development Rights (TDR) receiving area and, consistent with the comprehensive plan, will be retained in the R-5-RA zone until regulatory controls are in place which ensure that TDR certificates issued pursuant to SCC 30.35A.050 will be required for development approvals within the receiving area.

Section 10. Snohomish County Code Section 30.65.125, adopted by Amended Ordinance 05-068, Sept. 7, 2005, is amended to read:

30.65.125 General requirements for all crawlspace construction

(1) Crawlspace may be used to elevate a building in a special flood hazard area to or above the base flood elevation if the space is designed to meet the following National Flood Insurance Program requirements, which apply to all crawlspaces that have enclosed areas or floors below the base flood elevation:

(a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings discussed in SCC 30.65.125(b) below. ~~((Because of hydrodynamic loads, crawlspace construction is not permitted in areas with flood velocities greater than 5 feet per second. Other types of foundations are recommended for these areas.))~~

(b) The crawlspace is an enclosed area below the base flood elevation and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than 1 foot above the lowest adjacent interior and exterior grade. Crawlspace construction is not permitted in FEMA coastal high hazard area designated V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones.

(c) Portions of the building below the base flood elevation must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the base flood elevations. The recommended construction practice is to elevate the bottom of joists and all insulation above base flood elevation. Insulation is not a flood-resistant material. When insulation becomes saturated with floodwater, the additional weight often pulls it away from the joists and flooring. Ductwork or other utility systems located below the insulation may also pull away from their supports.

(d) Any building utility systems including ductwork within the crawlspace must be elevated above base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork must either be placed one foot above the base flood elevation or sealed from floodwaters.

Section 11. Snohomish County Code Section 30.65.150, adopted by Amended Ordinance 05-064 on December 9, 2005, is amended to read:

30.65.150 Information to be obtained.

Surveyed existing ground elevations of the four corners of the proposed development shall be submitted with the plan review application. The elevation ~~((and))~~ or floodproofing ((certificate)) certificates shall verify the following flood hazard protection information:

(1) Surveyed existing ground elevations of the four corners of the proposed development; and

(2) The actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement; and

~~((2))~~ (3) The actual elevation (in relation to mean sea level) of floodproofing of all new or substantially improved floodproofed structures, and that the floodproofing measures utilized below the base flood elevation render the structure watertight with walls substantially impermeable to the passage of water and have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Section 12. Snohomish County Code Section 30.65.230, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.65.230 Floodways: prohibited uses.

(1) The following uses/development are prohibited in the floodway:

(a) Any structure, including mobile homes designed for, or to be used for, human habitation of a permanent nature (including temporary dwellings authorized by SCC 30.22.130 except as provided by SCC 30.65.220(7), (8), and (9).

(b) All encroachments, including fill, new construction, and other development unless verification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the effect of the subject encroachment together with the cumulative effects of all similar potential encroachments shall not materially cause water to be diverted from the established floodway, cause erosion, obstruct the natural flow of water, reduce the carrying capacity of the floodway, or result in any increase in flood levels during the occurrence of the base flood discharge.

(c) The construction or storage of any object subject to flotation or movement during flood level periods;

(d) The following uses, due to their high degree of incompatibility with the purpose of establishing and maintaining a functional floodway are specifically prohibited:

- (i) the filling of marshlands,
- (ii) solid waste landfills, dumps, junkyards, outdoor storage of vehicles and/or materials,
- (iii) damming or relocation of any watercourse that will result in any downstream increase in flood levels during the occurrence of the base flood discharge; and
- (iv) critical facilities as defined in this title.

(2) The listing of prohibited uses in this section shall not be construed to alter the general rule of statutory construction that any use not permitted is prohibited.

Section 13. Snohomish County Code Section 30.65.265, adopted by Amended Ordinance 05-068 on September 7, 2005, is amended to read:

30.65.265 Density fringe area: recording required when ~~((maximized))~~ density and obstruction ~~((permitted))~~ allowances are increased.

When the ~~((maximum allowable))~~ density and/or the ~~((maximum))~~ allowable obstruction area in a density fringe designation is ~~((met))~~ increased pursuant to SCC 30.65.250 and 30.65.255, the property owner shall record with the Auditor's office a notice in a form approved by Planning and Development Services describing the related flood hazard permit number, subject property assessor number(s) and structures included in the density fringe area calculations.

Section 14. Severability. If any provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remainder of this ordinance. Provided, however, that if any provision of this ordinance is held invalid or unconstitutional, then the provision in effect prior to the effective date of this ordinance shall be in full force and effect for that individual provision as if this ordinance had never been adopted.

PASSED this 21st day of February, 2007

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Dave Busby
Chairperson

ATTEST:

Sheila McCallister
Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE: 2/22/07

[Signature]
Snohomish County Executive

MARK SOINE
Deputy Executive

ATTEST: Cora J. Palmer

Approved as to form only:

Deputy Prosecuting Attorney

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